

IN THE DISTRICT COURT OF RIO ARriba COUNTY

STATE OF NEW MEXICO

STATE OF NEW MEXICO on the  
relation of S. E. REYNOLDS,  
State Engineer,

Plaintiff,

vs.

ROMAN ARAGON, et al.,

Defendants.

No. 8294

Sub-File No. 201  
Acquis de Consulta

ORDER

THIS MATTER having come before the Court and after  
having heard the testimony, considered the evidence, and  
being fully advised in the premises, now finds:

1. Name of defendant: JAMES D. STEARS
2. Defendant has been legally served with process,  
has not filed an answer, certificates of non-  
appearance and default have been filed, and the  
defendant is adjudged to be in default.
3. The Court has jurisdiction of the parties  
and the subject matter herein.
4. State Engineer's hydrographic survey and report  
relating to the defendant's water rights  
have been introduced into the record and the  
same hereby are incorporated and made a part  
of this Order; that said hydrographic survey  
and report contain a true and correct summary  
of the contents of the instruments referred to  
therein.

Sub-File No. 201

5. The defendant James D. Spears has a right to withdraw public, surface and/or underground waters from the Rio Chama Stream System for irrigation purposes as follows:

State Engineer's File No. --

Priority: 1724

Source of water: Surface waters of the Rio Chama

Point of diversion: Through and by means of the Acequia de Chamita (also known as Culique Ditch) which diverts out of the north bank of the Rio Chama, located in the northwest part of the Bartolome Sanchez Grant, New Mexico Coordinate System, Central Zone: X = 536,680 and Y = 1,850,010, Rio Arriba County, New Mexico.

Location & Amount of Acreage: 4.52 acres irrigated in part of P.C. 258, P. 2, Exception 1, in Section 5, T. 21 N., R. 8 E., within the San Juan Pueblo Grant, Rio Arriba County, New Mexico.

Duty of water: Not to exceed three acre feet per acre per annum delivered at the farm head gate.

The defendant James D. Spears  
has no other surface/ground water irrigation rights  
in the aforesaid section.

That the defendant James D. Spears  
his agents, employees, privies, co-tenants, tenants,  
assigns, attorneys, and any and all other persons having  
a constructive knowledge of the restraining Order should  
be enjoined from any use of the surface/ground water

in the aforesaid section

for irrigation, except in strict accordance with the  
water rights set out hereinabove.

IT IS, THEREFORE, ORDERED that the defendant, \_\_\_\_\_

James D. Spears

be and hereby is adjudicated to have a good and valid water right as  
set forth above.

IT IS FURTHER ORDERED that the defendant, \_\_\_\_\_

James D. Spears

his agents, employees, privies, co-tenants, tenants, assigns,  
attorneys, and any and all other persons having constructive knowledge  
of the restraining order, be and they hereby are, enjoined from any  
use of the surface/ground water in  
the aforesaid section

except in strict accordance with the water rights set out hereinabove.

DATED, this 15 day of April, 1963.

A TRUE COPY OF

ORIGINAL [Signature]

ENTERED April 15,

1963

SUSIE M. MONTOYA

CLERK

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J. M. SCARBOROUGH

DISTRICT JUDGE

Sub-File No. 281

By: [Signature] Deputy